

Enforcement and Compliance Activities Related to EXIDE Vernon facility

Summary

- California's Department of Toxic Substances Control (DTSC) and South Coast Air Quality Management District (SCAQMD) are aggressively pursuing all state and local enforcement options to limit or reduce harmful emissions at EXIDE.
- We're working closely with each agency to ensure all federally-enforceable rules and requirements are met.
- Recent ambient monitoring for lead values at the EXIDE facility were **not exceedances** of the federal National Ambient Air Quality Standards (NAAQS). Rather, EXIDE exceeded a level set in SCAQMD's Rule 1420.1, which required that they implement additional control measures.
- A current Region 9 residential lead and arsenic cleanup in Eureka, NV is addressing homes with levels exceeding **3000 ppm lead and 600 ppm arsenic**. Some homes have levels that are 10 times higher and young children with blood lead levels exceeding 5 ug/dl.
- The 39 homes and two schools near EXIDE that were tested had amounts of lead that **exceeded 80 ppm**.
- SCAQMD's health risk assessment, issued in the spring of 2013, was for **arsenic** emissions, not lead.

SCAQMD Actions:

- In January 2014, SCAQMD amended existing Rule 1420.1 (which already imposes strict controls for lead emissions) to require EXIDE and Quemetco to meet strict emission limits for arsenic, benzene and 1,3-butadiene.
- SCAQMD has pursued several enforcement actions against EXIDE, including an October 2013 Order of Abatement which would require EXIDE to shutter its facility until appropriate emission controls are in place.
- A final decision by the SCAQMD Hearing Board on the Order of Abatement is expected in May 2014.

DTSC Actions:

- In December 2013, DTSC ordered EXIDE to perform emergency response measures to clean up off-site contaminated soil, dust, and sediment.
- DTSC issued an Order of Temporary Suspension at the EXIDE facility in April 2013.
- On Nov. 4, 2013, a bankruptcy judge approved Exide Technologies Inc.'s motion to enter into a Stipulation and Order with DTSC's activities that requires EXIDE to identify

potential impacts of the facility on the surrounding community and create enforceable timelines.

Recommendation:

- Region 9 should continue tracking state and local compliance and enforcement activities in our state oversight role.
- Region 9 can provide technical support on sampling plan design and risk communication.